REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of October 24, 2002. Reexamination and reconsideration are respectfully requested.

The Office Action

The abstract of the disclosure was objected to because of the language, "This invention relates".

Claims 1-20 were presented for examination.

Claims 1-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,809,395 to Hamilton-Piercy et al. in view of U.S. Patent No. 5,675,629 to Raffel et al.

Claims 9-20 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamilton-Piercy et al. in view of Raffel et al.

The Non-Art Rejections

The abstract has been amended according to MPEP § 608.01(b) to address the language objection. It is submitted that the abstract is in proper order.

The Art Rejections

The Examiner rejected all claims as being unpatentable over the combination of Hamilton-Piercy et al. and Raffel et al. However, as will be detailed below, these references do not render the claims unpatentable. Specifically, the cited patents are not properly combinable and, even if somehow combined, do not render the claims obvious. Accordingly, the Examiner cannot establish a *prima facie* case of obviousness -- so the rejection should be withdrawn.

(i) Improper Combination of References

Initially, Applicants respectfully traverse the combination of Hamilton-Piercy et al. with Raffel et al. Hamilton-Piercy et al. is directed to a multichannel radiotelephony system providing two way cordless communications with a plurality of multichannel transceivers portable within a coverage area comprised by a plurality of cells, each associated with a base

station and antennas, such as to permit channel frequency reuse in cells within the coverage area (Abstract). It is an objective of Hamilton-Piercy et al. to provide a system that can make effective use of existing or installed bi-directional networks of coaxial and fibre optical cables, particularly networks installed for cable television and data communication purposes (col. 5, lines 56-61). Significantly, Hamilton-Piercy does not fairly disclose a personal base station as claimed and disclosed and, as admitted and recognized by the Examiner, does not fairly disclose a database structure as claimed and disclosed.

Raffel et al. is directed to a mobile station that communicates with both a cellular network, by which it is assigned a mobile identification number, and a cordless cellular base station utilizing the same cellular frequency range and communications protocol. The cordless cellular base station is preferably connected to a public switched telephone network and is assigned a landline number. The cordless cellular base station acts as a conduit between the mobile station and the public switched telephone network. In addition, all calls placed on the mobile station are sent through the cordless cellular base station to the public switched telephone network.

Given that Hamilton-Piercy relates to a system involving a cable network and a cellular network and Raffel involved the PSTN and cellular network, it is submitted that the teachings are not combinable. Both references address particular problems without the need or desire to address a different set of issues raised by combination with different network technology. There is no teaching or suggestion in Raffel to utilize existing cable networks seamlessly with wireless networks for the purpose of allowing users to use a single mobile phone everywhere. Thus, Applicants submit that there is no teaching in which would allow the combination of Raffel et al., or an alteration of Raffel et al. with Hamilton-Piercy et al. It is respectfully submitted therefore that the combination of these references is inappropriate, and the use of these references in combination is through impermissible hindsight.

For these reasons, it is respectfully submitted the present claims are not taught or fairly suggested by the cited art.

(ii) When Combined References Do Not Teach or Fairly Suggest Claims

Even if the references were combinable, the claims as presented are not taught or fairly considered. Hamilton-Piercy et al. teaches a multichannel radiotelephony system that can

make use of existing coaxial and fibre optic networks. However, as was admitted by the Examiner, Hamilton-Piercy et al. does not teach, or disclose a database, or database structure, as claimed in independent claims 1, 9, 16 and amended claim 20.

Further, combining, the databases taught by Raffel et al. with the system of Hamilton-Piercy et al. does not provide the invention as taught by the present application. The only databases taught in Raffel et al. do not suggest such a combination. Raffel et al. defines a CCBS VLR as a database used to keep track of the location of visiting mobile stations which have registered with a cordless cellular base station (col. 7, lines 8-10). It is further described in col. 32, lines 62-64, col. 35, lines 3-7 and col. 41, lines 58-63 as a database that stores the location, i.e. landline number, of the mobile stations which are being controlled by the cordless cellular base station. Raffel et al. further describes a second database in col. 53, lines 1-25, used for score storage where interference scores are maintained by cordless cellular base station. Neither of the databases teach or fairly suggest a modified database structure as claimed and taught by the present application, illustrated in Figure 4b, and described on page 7, lines 14-37. The database 29 taught by the present application is a home location register-user database including public network data, private network data and residential network data. There is nothing in Hamilton-Piercy et al. which teaches or fairly suggests that, even if the databases of Raffel et al. were provided, an integrated cable and cellular network, according to the present application, would be provided.

It is respectfully submitted, therefore, that independent claims 1, 9, 16 and 20, and dependent claims 2-8, 10-15 and 17-19 depending respectively therefrom, distinguish over the cited references and are in condition for allowance.

For the foregoing reasons, it is respectfully submitted all claims (1-20) are distinguished from the cited art.

CONCLUSION

For the reasons detailed above, it is respectfully submitted that the present application is now in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

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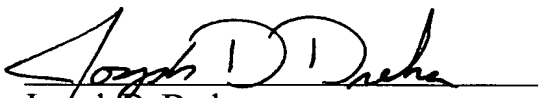

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Attachment: Version With Markings To Show Changes Made

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Abstract

The Abstract of the Disclosure has been amended as follows:

[This invention relates to an integrated cable and cellular network for telecommunications. More particularly, the invention is directed to a] A system and method[s] that provides seamless mobility through cable and wireless (e.g. cellular) communication networks to allow users to use a single mobile phone everywhere. The system takes advantage of a variety of features of cellular or wireless systems residential systems, cellular or wireless distribution networks, mobile switching centers, and cable networks. Users access services according to the present invention through a combined wireless-wired infrastructure in the residence connected to wireless communication networks.

In the Claims

The claims have been amended as follows:

10. (Amended) [A] The system as set forth in claim 9 wherein the interface unit comprises a radio subsystem having an antenna.

20. (Amended) A method for integrating cable and wireless communication networks to provide telephone service, the method comprising:

providing a first communication channel for communication through a personal base station via an air interface, the personal base station connecting to the cable communication network;

providing a database structure including identification data to facilitate communication through one of the first and a second communication channels and,

allowing communication through [a] the second communication channel for communication through a public base station of the wireless communication network,

wherein a selection of the first or second communication channel by a handset is based on proximity of the handset to the personal base station.